



**North Tyneside Council**

# Planning Committee

3 July 2023

Dear Councillor,

With reference to the agenda previously circulated for the meeting of the Planning Committee to be held on **Tuesday, 4 July 2023** I attach for your consideration supplementary papers in relation to the following items:

<b>Agenda Item</b>	<b>Page</b>
4. <b>Minutes</b>	<b>3 - 12</b>
To confirm the minutes of the previous meeting held on 13 June 2023.	
8. <b>23/0469/FUL, Buzz Bingo Club, Middle Engine Lane, Wallsend</b>	<b>13 - 16</b>
To determine a full planning application from BMW (UK) Trustees Ltd for a proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park.	

**Circulation overleaf ...**

## **Members of the Planning Committee**

Councillor Sarah Burtenshaw  
Councillor Julie Cruddas (Deputy Chair)  
Councillor Chris Johnston  
Councillor Jim Montague  
Councillor Pat Oliver  
Councillor Matthew Thirlaway

Councillor Steve Cox  
Councillor Tracy Hallway  
Councillor Pam McIntyre  
Councillor John O'Shea  
Councillor Willie Samuel (Chair)

## Planning Committee

**Tuesday, 13 June 2023**

Present: Councillor W Samuel (Chair)  
Councillors S Burtenshaw, S Cox, J Cruddas,  
C Johnston, J Montague and M Thirlaway

Apologies: Councillors T Hallway, J O'Shea and P Oliver

### **PQ95/23 Appointment of substitutes**

There were no substitutes reported.

### **PQ96/23 Declarations of Interest**

There were no declarations of interest or dispensations reported.

Councillor Cruddas referred to application 21/02546/FUL and explained that although she lived in the vicinity of the application site and was a subscriber of a number of social media sites where comments on the application had been made she had not expressed a view on the application and would approach the application with an open mind.

### **PQ97/23 Minutes**

**Resolved** that the minutes of the meeting held on 9 May 2023 be confirmed and signed by the Chair.

### **PQ98/23 Planning Officer Reports**

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

**PQ99/23      21/02546/FUL, Site of The Fusilier, Clydedale Avenue, Forest Hall**

The Committee considered a report from the planning officers in relation to a full planning application from Karbon Homes for a residential development of 20no. affordable homes and associated landscaping.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme a local resident Martin Swinney had been granted permission to speak to the Committee. Mr Swinney stated that he was representing the residents of Victoria Avenue who were concerned about safety. He explained that children used the green and streets to play. The car park was used by parents on the school run and due to the existing parking issues the view of the access on to Station Road was obscured which caused safety concerns. The development would result in an increase in traffic on the streets which had not been built to take the increase. He explained that there was insufficient parking for the existing residents. He also referred to the cycle route to Quorum which was not segregated from the existing traffic. He stated that the access to the development was not sustainable.

He responded to members questions and explained that a one-way system would ease traffic movement or an alternative access may improve matters.

On behalf of the applicant, Karbon Homes, Andrew Moss addressed the Committee to respond to the speakers' comments. Mr Moss stated that the application would make an important contribution to the provision of housing in the area and make use of a brownfield site. The development, which complied with policy, would provide 100% affordable homes and had been reviewed by the highways officer. The developer had also offered financial contributions towards children's play, parks and greenspaces, primary education, employment and training as well as the provision of off-site mitigation. He asked the Committee to grant the application.

Mr Moss responded to members questions in relation to car parking, vehicle

access and overshadowing.

Councillor Cruddas read out a number of questions which had been submitted by Councillor Hunter on behalf of residents. It was explained that questions relating to the responsibility of damage to foundations and issues around fencing and planting were not relevant planning matters. Questions in relation to a proposed drainage pond and the pedestrian access on to Allendale Avenue were responded to by officers.

Members of the Committee asked questions of the speakers and officers and made comments. In doing so the Committee gave particular consideration to:

- a) parking and traffic management;
- b) water management;
- c) the need for affordable housing

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 5 members of the Committee voted for the recommendation and 2 members voted against the recommendation with 0 abstentions.

**Resolved** that (1) the Committee is minded to grant the application; and (2) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

- i) the conditions set out in the planning officers report;
- ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
- iii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure 100% affordable housing provision and the following financial contributions;

- Benton Village Green/Local Wildlife Site £3,900
- Children's equipped play £7,000
- Parks and greenspaces £10,647
- Primary education £50,000
- Employment and training 1 apprenticeship or £10,000
- Coastal Mitigation £3,020
- Open space improvements £18,138

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development, including the loss of open space, and its impact on the character and appearance of the area, residential amenity, highway safety and biodiversity.)

**PQ100/23      21/01569/FUL, Land at former School House, Sandy Lane, North Gosforth**

The Committee considered a report from the planning officers in relation to a full planning application from Mr W Collard for the erection of 4no detached dwellings.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme a local resident, Keith Dowd had been granted permission to speak to the Committee. However, Keith Dowd indicated that he did not wish to speak to the Committee.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) parking on site and adjacent to the site;
- b) the appearance and design of the houses.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 6 members of the Committee voted for the recommendation and 0 members voted against the recommendation with 1 abstention.

**Resolved** that (1) the Committee is minded to grant the application; and (2) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

- i) the conditions set out in the planning officers report;
- ii) the addition, omission or amendment of any other conditions considered

necessary by the Director of Regeneration and Economic Development; and  
iii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £604 pounds towards coastal mitigation.

(3) the Head of Law and the Director of Regeneration and Economic Development be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

- Altered access
- Upgrade of existing footpaths abutting the site
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on the character and appearance of the area, taking into account the conservation area, the setting of the listed building and the green belt, residential amenity, highway safety and biodiversity.)

**PQ101/23      22/02231/FUL, Unit 8-10, Graphic House, Mylord Crescent,  
Camperdown Industrial Estate, Camperdown**

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from FSNE Medical for change of use from light industrial to operate as a base for emergency vehicles.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme a local resident Andrew Marsay had been granted permission to speak to the Committee. Andrew Marsay stated that the residents had moved into their properties knowing that

there would be a lot of HGV movements. What they had not expected were loud sirens at all times of the day but particularly during the night and early morning as these woke people up on a regular basis. He suggested that suitable mitigation to prevent disturbance to residents should be installed.

Mr Marsey responded to members questions in relation to the type of mitigation that he considered would help and suggestions in relation to when and where the sirens would start to be used.

The applicant had been invited to respond to the speaker's comments but did not take up the opportunity.

Members of the Committee asked questions of the speakers and officers and made comments. In doing so the Committee gave particular consideration to:

- a) The use of mitigation to minimise the disruption caused by the use of sirens;
- b) Measures to control the use of sirens both on and off site.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 7 members of the Committee voted for the recommendation and 0 members voted against the recommendation with 0 abstentions.

**Resolved** that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on residential amenity (noise and visual impact) and highway safety.)



**PQ102/23      21/02496/FUL – Land adjacent to Hatfield House, Borough Road,  
North Shields**

The Committee considered a report from the planning officers in relation to a full planning application from Low Town Developments for the erection of 5no. three storey townhouse style terraced dwellings, with communal parking and rear amenity space.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) The design of the development;
- b) the authority's parking standards;
- c) green areas and biodiversity.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 6 members of the Committee voted for the recommendation and 1 members voted against the recommendation with 0 abstentions.

**Resolved** that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on the living conditions of surrounding occupiers and future occupiers of the development, the character of the conservation area, trees and biodiversity and the highway network.)

**PQ103/23      23/00217/FUL – Land east of Weetslade Depot, Great Lime Road,  
Dudley**

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Aldi Stores Ltd for the erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 7 members of the Committee voted for the recommendation and 0 members voted against the recommendation with 0 abstentions.

**Resolved** that (1) the Committee is minded to grant the application; and (2) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

- i) the conditions set out in the planning officers report;
- ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development
- iii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following financial contributions;

-Farmland bird mitigation £45,000

-Biodiversity Net Gain £5,850

-Travel Plan Bond £10,000

-Travel Plan Monitoring Fee £1,250 (£250 per annum)

-Employment and Training £10,912

(3) the Head of Law and Director of Regeneration and Economic Development be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

-New access

-New pedestrian & cycle links to the site

-Localised widening

-Associated street lighting

- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Reduction in speed limit on Great
- Detailed highway design
- Road safety audit

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on the character and appearance of the area, residential amenity, highway safety and biodiversity.)

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## ADDENDUM (03.07.23)

<b>Application No:</b>	<b>23/00469/FUL</b>	Author	Julia Dawson
Date valid:	5 April 2023	:	
Target decision date:	5 July 2023	☎:	0191 643 6314
		Ward:	Battle Hill

Application type: full planning application

**Location: Buzz Bingo Club Middle Engine Lane Wallsend Tyne And Wear NE28 9NT**

**Proposal: Proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park**

Applicant: BMW (UK) Trustees Ltd C/o LGIM,

Agent: Rapleys LLP, Mr Alex Rogerson 66 St James's Street London SW1A 1NE

**RECOMMENDATION:** Application Permitted

A letter has been received from Buzz Bingo, which is attached to this addendum.

### Planning Officer comments

Buzz Bingo disagree that policy S7.10 does not apply. However, Buzz Bingo accept that policy S7.10 states that planning permission for the re-use of buildings for community uses will be permitted where the community's ability to meet is day-to-day needs for services is not reduced.

Clearly this needs to be seen in the round, as any loss would have an impact and the policy is not about preventing any loss. There are a range of venues close to the site that could provide similar opportunities for the groups to regularly meet, socialise and interact. This is set out in detail in paragraph 7.30 and 7.31

Even if Members accept that policy S7.10 does apply, the policy still allows the re-use of buildings for community use where the community's ability to meet is day-to-day needs for services is not reduced. There is a range of other community facilities within the area that will still meet the day-to-day needs for services. Therefore, even if policy S7.10 does apply, the proposal is not contrary to it.

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Buzz Group Ltd  
Unit 1  
Castle Marina Road  
Nottingham  
NG7 1TN

North Tyneside Council  
Cobalt Business Park  
The Quadrant  
16 The Silverlink North  
Newcastle upon Tyne NE27 0BY

3<sup>rd</sup> July 2023

Dear Ms Dawson

**Buzz Bingo, Wallsend: Planning Application Ref. 23/00469/FUL**

We are writing in relation to the above application, which is being taken to Planning Committee on Tuesday 4<sup>th</sup> July with a recommendation for approval.

We had wished to speak at the committee and are disappointed that we are unable to do so; we understand our right to appear is only available if we had confirmed this in writing at the time of submitting the original objection to the application.

We trust therefore that this letter will be presented to Members at or ahead of the committee for their consideration.

At the outset we reiterate that Buzz Group Ltd (t/a Buzz Bingo) holds a lease on this unit until August 2025 and has no intention to surrender this lease early. Indeed, this unit is operating successfully, and we currently have no aspiration to vacate this unit over the medium term. You will therefore appreciate why we are disappointed this application is coming forward by the landlord, and extremely frustrated to see the applicant refer to the building as being imminently vacant in its submission as justification in the Planning Assessment for its change of use.

We do not wish to reiterate the points in our original objection letter dated 27 April 2023, which we have appended for ease of reference, but by way of reminder this letter highlights the success and popularity of Buzz Bingo for a wide range of the local community. It has a customer base of c. 6,748 largely dominated by women. The club attracts customers from all age cohorts, but older people aged 55 plus account for almost two thirds of the number of admissions on an annual basis.

It is our firm view that Buzz Bingo should be considered a community use, and we are surprised this is not the view reached in your Officer's report. Fundamentally we disagree with the conclusions drawn in the report that Policy S7.10 does not apply.

We agree there is no clear definition of "community use" in either the NPPF or the North Tyneside Local Plan (2017). However, we draw your attention to Annex 2 of the NPPF, which under the definition of Main Town Centre uses specifically refers to Bingo Halls as a "recreational use".

The Local Plan para. 10.76, which is the supporting text to Policy S7.10, specifically refers to "recreational" uses in the paragraph which describes the uses which fall into community uses in relation to the Policy. Indeed, para. 10.77 continues by stating recreation uses are an important aspect of any society and cover a

wide variety of activities and industries, including a broad range of indoor and outdoor recreation facilities in the borough.

In both these supporting paragraphs the Council acknowledges that community uses are provided through a “wide range of venues” and cover a “wide variety of activities and industries”. The Bingo Hall is a recreational use which serves the community. When reading the Plan as a whole, and against the provisions of the NPPF, we consider it would be prudent to consider a Bingo Hall as a community use to ensure the lawful assessment of the planning application. Policy S7.10 is therefore relevant and the assessment of the loss of this facility against Policy S7.10 should be made and, in our view, the current officer’s report to Committee is unlawful in not doing so. This is regardless as to the position regarding Para. 93 of the NPPF which is not how Policy S7.10 is necessarily interpreted.

Policy S7.10 makes clear that planning permission for the re-use of buildings for community use will be permitted where the community’s ability to meet its day-to-day needs for services are not reduced (own emphasis added).

As noted in our objection, and above, almost two thirds of Buzz Bingo’s clientele are above the age of 55. The nearest Bingo Hall is almost 5 miles away, which does not make it accessible to all members of the community and there no current opportunity to re-provide this provision in the local area. Accordingly, we consider this proposal is a departure from policy and has not been considered in the appropriate manner. There has been just shy of 400 objections from local residents to the application, which demonstrates that popularity of this community asset and how valued it is. Indeed, many of these comments talk about how well used the facility is, and what a valuable communication tool it provides for those who are perhaps more isolated in other areas of life. It is clear that the majority are our customers and are extremely upset and worried about the loss of this facility. Across the country, the reliance of private community provision for communities has increased, and their role increasingly more valuable in maintaining social wellbeing. This is particularly the case as the role and function of local authority community provision has become constrained due to limited resources.

The local policy framework advocates the protection of social/ cultural infrastructure and outlines that loss of such facilities should be resisted. Particularly where there is a strong demand. Where loss of social infrastructure is proposed, it is reinforced that realistic proposals for re-provision or replacement is required. There is no evidence that this has been explored in respect of the proposed development and therefore this is contrary to policy. We note reference to other social venues such as pubs, café, a place of worship etc., but we do not consider this is directly comparable nor does it offer the type of community offer as provided by Buzz Bingo. The impact of this should be explored when making an assessment of the application.

We therefore urge Members to refuse planning permission, on the grounds of the loss of this much valued community asset which is delivering valuable social and economic benefits to the community of Wallsend.

Yours sincerely

Peter Willans

Property Director for and on behalf of Buzz Group Limited